



1350 Norris Road
Bakersfield, California 93308-2231

Amended

Via Email Only: 66606-48746555@requests.muckrock.com

January 23, 2019

Aaron Swartz
Day Police Surveillance Project
MuckRock.com

Re: California Public Records Act Request

Dear Mr. Swartz:

The Kern County Sheriff's Office ("KCSO") is providing this *amended* response to your emailed request, under the California Public Records Act, for records related to "**Facial Recognition Software**" for "...the period of January 1, 2015 to the date of this letter." As to your request for "Number, if any, of Facial Recognition software or Facial Recognition-enabled equipment in place with this department or agency. Please specify if software has been purchased or if services are performed by outside contractors for the department or agency. Please include pilot or testing programs within the scope of this request.

Response: The Kern County Sheriff's Office does not have facial recognition software enabled equipment. However, the Kern County Sheriff's Office recently became aware that the Cogent system, used for booking photos and fingerprints, can function as facial recognition software through a "plug-in." That being said, the Kern County Sheriff's Office does not utilize that function of the Cogent system and, as a matter of fact, it is not even configured.

Request: Any documents or correspondence during the period encompassing this request regarding possible or planned acquisition of Facial Recognition software packages, Facial Recognition-enabled equipment or service agreements.

Response: KCSO staff would have to conduct an extensive search of multiple records, primarily email records, that is not likely to produce any disclosable records or at a minimum only very few.

Due to limited staffing and the number of the individual records, for the County to perform this exercise would place on undue burden on the County's resources that is not required by the CPRA. "Under applicable California law, even a focused, specific request, when it would require an agency to search volumes of documents or to produce a large volume of material may be objectional as "unduly burdensome." (*California First Amendment Coalition v. Superior Court* (1998) 67 Cal.App.4th 159, 166; citing *American Civil Liberties Union Foundation v. Deukmejian* (1982) 32 Cal.3d 440.)

Therefore, we are denying this portion of your request pursuant to Government Code § 6254(k) and 6255.

Request: Any existing or proposed usage policies regarding the use of Facial Recognition software or Facial Recognition-enabled equipment, including protocols, training documents, data storage procedures and prohibited activities.

Response: The Kern County Sheriff's Office has no responsive records.

Request: Any current or past litigation involving or referencing this department or agency involving the use of Facial Recognition software or Facial Recognition-enabled equipment.

Response: The Kern County Sheriff's office has no records pertaining to this request. Furthermore, such items if in existence, would be exempt from disclosure under California Government Code § 6254(b).

If you have any questions please feel free to contact me at 661-391-7518 or email: walshm@kernsheriff.org

Sincerely,

DONNY YOUNGBLOOD,
Sheriff – Coroner, County of Kern County

By:


MaryClaire Walsh
Civil Litigation Coordinator